



ELEMENT ONE

DESIGNATION OF STATE- AND LOCAL-LEVEL EQUAL OPPORTUNITY OFFICERS (29 CFR 37.54(d)(1)(ii))

Washington State addresses how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.23 through 37.28. In summary, any individual appointed as EO Officer should have the skill, ability, knowledge and authority to properly oversee and direct the EO program to which that individual has been assigned.

The Governor of Washington State has designated the Employment Security Department (ESD) to administer the implementation of the nondiscrimination and equal opportunity (EO) provisions of the Workforce Investment Act (WIA) of 1998.

The Nondiscrimination and Equal Opportunity provisions contained in 29 CFR 37.23 require that all recipients, except those which are small entities or service providers, designate EO Officers. This requirement also sets forth clear direction on who can serve as EO Officers and what their responsibilities are.

The Commissioner of the Employment Security Department has ultimate responsibility for administration of the Equal Opportunity Program in the department and, on behalf of the Governor, ensures that both the department and the Workforce Investment Act partners comply with the provisions contained in these regulations. The ESD Commissioner reports EO matters directly to the Governor.

Background: WorkSource Washington

WorkSource Washington is Washington State's WIA Title I one-stop service delivery system. It provides a comprehensive and integrated interface that allows both employers and job seekers easier access to workforce services and information through WorkSource Centers and affiliate sites.

WorkSource Washington consists of twelve (12) geographic workforce development areas (WDAs). Each of the WDAs is headed by a Workforce Development Council (WDC), also known as the Local Workforce Investment Act Board (LWIAB): Olympic Consortium, Pacific Mountain WDC, Northwest WDC, Snohomish County WDC, Seattle-King County WDC, Pierce County WDC, Southwest Washington WDC, North Central Washington/Columbia Basin WDC, Tri-County WDC, Eastern Washington Partnership WDC, Benton-Franklin WDC, and Spokane WDC. For purposes of this



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document, the local area board will be referred to as "Workforce Development Council (WDC)." Attachment 1C provides a list of the WDCs and their addresses, the names of the directors, and the counties served by each.

In 1999 Governor Gary Locke issued Executive Order No. 99-02, in compliance with WIA requirements. Section 1 of the Executive Order directs that: *"The Workforce Board shall act as the Workforce Investment Board for purposes of the federal WIA of 1998."* See Attachment 1D.

In accordance with RCW 28C.18.020, the Workforce Investment Board consists of nine voting members. Each of these board members is appointed by the Governor, with the Senate's consent, and consists of three representatives from each of the following sectors: business, labor, and state government (specifically, the Superintendent of Public Instruction, the Executive Director of the State Board for Community and Technical Colleges and the Commissioner of the Employment Security Department). There are also two non-voting participants: the Board Chair, who represents the Governor, and one other individual appointed by the chair to represent racial and ethnic minorities, women and people with disabilities. The Board and the twelve WDCs work in partnership in planning and developing the state-unified plan, which was designed to meet WIA implementation requirements.

EO Officer Designation at State Level

Ms. Evelyn Rodriguez, EO/Human Resources (HR) Consulting Services Administrator in Human Resources, is designated as the department's State Equal Opportunity Officer. Ms. Rodriguez has oversight responsibility for coordinating, implementing, maintaining and monitoring the nondiscrimination and equal opportunity requirements under the U.S. Department of Labor Federal Regulations, 29 CFR Part 37, relative to WIA services. In addition, Ms. Rodriguez has lead responsibility for the department's human resources consulting and employee relations programs.

Ms. Rodriguez reports to Nikki Barnard, Director, Human Resources Management. On matters related to EO and nondiscrimination, Ms. Rodriguez has direct access to the Commissioner, Karen Lee, or the Deputy Commissioner, Paul Trause.

Ms. Rodriguez regularly informs the Commissioner and Deputy Commissioner of the status of complaints through monthly reports. As needed, Ms. Rodriguez informs the Commissioner or Deputy Commissioner of EO issues by e-mail, phone or personal appointment.

Ms. Rodriguez' current position description does not include duties and responsibilities that would constitute or appear to constitute a conflict of interest. If instances arise where the appearance of a conflict is presented, the Human Resources Management



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Director will assign the duties to other staff or contract the work out to an independent investigator. Examples of potential conflicts of interest include complaints by HR staff members, complaints regarding applicants for positions in HR, and complaints about personnel selections in which the State EO Officer or HR Director was involved in the selection process.

Ms. Rodriguez' position description reflects duties that ensure Washington State complies with Section 188 of WIA and 29 CFR Part 37. Her duties include the following:

- Coordinating state EO responsibilities under 29 CFR Part 37.
- Serving as the state's liaison with the Civil Rights Center.
- Providing technical guidance to local-level EO Officers statewide to ensure compliance with federal and state Department of Labor/Civil Rights Center (DOL/CRC) regulations, and other applicable regulations, policies, procedures, and directives.
- Monitoring and investigating the recipients' activities, and the entities that receive WIA Title I funds from the recipient, in order to ensure compliance with nondiscrimination and EO WIA requirements.

Ms. Rodriguez has over seventeen years of EO and other related program experience and has served as the department's EO Administrator and EO Officer in the past. Ms. Rodriguez' experience, as well as her extensive related training, has provided her with a strong background in the areas needed to successfully carry out her assigned duties as the State EO Officer. She has a Bachelor of Arts degree in Business Administration.

CRC will be promptly notified if the designation of the State EO Officer changes.

Additional resources in support of Ms. Rodriguez are as follows:

- Mr. Kintu Nnambi was appointed to the position of ESD EO Officer in September 2002 and reports to Ms. Rodriguez.

With regard to WIA Title I, Mr. Nnambi's EO duties are:

- Log and oversee all WIA Title I discrimination complaints at the state level.
- Investigate EO complaints by ESD employees.
- Notify complainant of receipt of the complaint, determine jurisdiction, offer rights to complainant, and assign mediation, if necessary.
- Provide training to local EO Officers on their WIA Title I EO duties to ensure compliance with nondiscriminatory and EO WIA requirements.



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- Provide consultation to ESD and local partners, as required, regarding reasonable accommodations.
- Provide statewide monitoring and oversight on EO compliance under WIA Title I.
- Update the state MOA as required.

Other duties assigned to the ESD EO Officer include:

- Prepare and update the department's state-required affirmative action plan.
 - Develop and update departmental civil rights policies (e.g., nondiscrimination, harassment, etc.).
 - Provide training to ESD staff on departmental civil rights policies, sexual and other harassment issues.
 - Provide consultation to ESD staff on equal opportunity in recruiting and other aspects of employment, reasonable accommodations, non-WIA discrimination issues and complaints, etc.
 - Provide consultation on inquiries from or charges filed with the U.S. Department of Labor/Civil Rights Center and other federal and state civil rights agencies, responding on behalf of ESD to complaints filed with those agencies.
- Other Human Resource Consultants provide support, when requested, in developing automated reports and analyses of data. In addition, the following Washington Management Service Managers will mediate state-level EO complaints, as needed: Pat Iyall Barnes and Carol Rembaugh. See Attachments 1A-1 – 1A-2 for job descriptions and training profiles.
 - Administrative Support: Ms. Rodriguez receives administrative support from an Administrative Assistant shared with the Director, Human Resources Management. The ESD EO Officer position receives administrative support from a Secretary Senior shared with other consulting staff. (Attachments 1B-4 and 1B-5)
 - Program Support: The Employment and Training Division administers WIA Title I. Lisa Morgan is assigned EO oversight from the program office perspective. With regard to WIA Title I EO responsibilities, Ms. Morgan coordinates and refers the EO discrimination complaints to the State EO Officer. In addition, she logs and refers the receipt of program complaints to the appropriate WDC, and provides technical assistance, as appropriate. Ms. Morgan reports all EO matters to Ms. Rodriguez. (Attachment 1B-8)



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- UI Policy Unit EO Coordinator: The Language Specialist for the Unemployment Insurance (UI) Division coordinates the reporting of all EO and nondiscriminatory matters directly to the State EO Officer. The UI Policy Unit has established a three-member team to review and interpret the EO report. (Attachment 1B-9)

This structure suits ESD business and organizational needs for equal opportunity, affirmative action and accessibility monitoring, education, complaint and dispute resolution by designating a higher-level officer of the agency, with direct access to the Commissioner and Deputy Commissioner, accountable for equal opportunity in agency services and employment practices. This reflects the State of Washington's firm commitment to ensuring accessibility and nondiscrimination in all client services provided under the Workforce Investment Act and all agency employment practices for its own staff.

Attachments 1B-1 – 1B-8 include the department's organizational chart; a job description for the department and partners' State EO Officer and the newly established ESD EO Officer position; WIA EO Program Officer duties and the respective organizational charts; other EO staff duties, budget, and the percent of time devoted to handling EO activities. Their names, telephone numbers, mail and e-mail addresses, and TDD numbers are included. In addition, a training profile for each individual is included. Attachment 1B-9 provides a job description for the UI Policy Unit EO Coordinator, as well as an organizational chart.

EO Officer Designation at Local Level

In compliance with the nondiscrimination requirements for the MOA, each WDC has a designated local EO Officer: Bob Potter, The Olympic Consortium; Lu Jewell, Pacific Mountain WDC; Dan Vogel, Northwest WDC; Debbie Little, Snohomish County WDC; Suzanne Ramage, Seattle-King County WDC; Robin Barry, Pierce County WDC; Pat Bredeson, Southwest Washington WDC; Dave Petersen, North Central Washington/Columbia Basic WDC; Terie Dohrman, Tri-County WDC; Josie Darst, Eastern Washington Partnership WDC; Michelle Mann, Benton-Franklin WDC; and John Baumhofer, Spokane WDC. Attachments 1E-1 – 1E-12 include the names of the designated EO Officers, job descriptions, and percentage of time committed to EO matters (also outlined in the table below). Washington State is addressing, through an evaluation process, designations of EO Officers, potential conflicts of interest and accountability on a case-by-case basis. It continues to be reviewed through the monitoring process by the State/ESD EO Officer.



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Local EO Officers are responsible for, but are not limited to:

- Monitoring and investigating the local area's activities, and the activities of their recipients who receive WIA Title I funds to ensure compliance with the nondiscrimination and EO obligations under WIA and 29 CFR Part 37.
- Reviewing written policies to ensure that they are nondiscriminatory.
- Developing and publishing procedures for processing discrimination complaints and ensuring adherence to the procedures; promulgating administrative regulations as necessary.
- Coordinating local-level WIA EO responsibilities to include ensuring service providers' compliance with the nondiscrimination and EO provisions of WIA.

The percentage of time each local-level EO Officer spends on EO-related matters is referenced in the table below:

WDA	Workforce Development Council	EO Officer	% of Time on EO Matters
I.	The Olympic Consortium	Bob Potter	10%
II.	Pacific Mountain WDC	Lu Jewell	10%
III.	Northwest WDC	Dan Vogel	10 – 25%
IV.	Snohomish County WDC	Debbie Little	20%
V.	Seattle-King County WDC	Suzanne Ramage	30%
VI.	Tacoma/Pierce County Employment & Training	Stuart Peterson	30%
VII.	Southwest Washington WDC	Pat Bredeson	15%
VIII.	North Central Washington/ Columbia Basin WDC	Dave Petersen	35%
IX.	Tri-County WDC	Terie Dohrman	25%
X.	Eastern Washington Partnership WDC	Josie Darst	25%
XI.	Benton-Franklin WDC	Michelle Mann	5%
XII.	Spokane WDC Administration	John Baumhofer	10%

Sixty-nine (69) WorkSource Centers and affiliate sites are located within the twelve WDAs. All offices refer EO-related matters to their local WDC-designated EO Officer. This ensures nondiscrimination and accessibility in services provided to WorkSource clients. Each WDC will develop a policy to administer this requirement. See Attachment 1F for a list of the WorkSource Offices and affiliate sites.

CRC will be promptly notified of any changes in local EO Officers.



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Resources and Training

Attachment 1G provides a sample of letters, dated October 26, 2000, sent to the twelve (12) WDCs and to Chris Webster, ESD WIA Manager at that time, regarding identification of individuals designated as the local EO Officers. Holly Watson is currently the ESD WIA Program Manager; she, along with her staff, works closely with the State/ESD EO Officer and the WDCs to ensure nondiscrimination and EO compliance for Title I WIA Section 188 and 29 CFR Part 37. Attachment 1H identifies the local EO Officers, along with their position titles, job descriptions, telephone numbers, mail and e-mail addresses, and TDD numbers. As indicated in “EO Officer Designation at Local Level” above, job descriptions and organizational charts for each of these staff members are included in Attachments 1E-1 – 1E-12.

The *Equal Opportunity is the Law* posters have been distributed to the local WDCs and partner offices. The posters, which are placed in prominent locations for public viewing, provide all applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment, as well as interested members of the public, with the identity of the applicable local EO Officer and State EO Officer, as well as their e-mail and business addresses, and telephone numbers (including TDD). In response to comments received from CRC regarding these posters, the State EO Officer notified all twelve EO Officers that a larger font size was needed on the posters. Labels with a larger font size were sent to all WDCs. See Attachment 2I-1 in Element 2 for a copy of the *Equal Opportunity is the Law* poster.

Each EO Officer was carefully selected to ensure the best possible candidate was identified. The State EO Officer and department staff are proactive in providing local EO Officers information in identifying and meeting training needs. (Attachment 2O/Element 2) A matrix/list of the training on nondiscrimination and EO, along with other skills training for staff, is included in Attachment 2P/Element 2. Attachment 2R in Element 2 provides sample agendas of training conducted in 2000 for staff and partners regarding the WIA regulations.

Additionally, on June 19, 2001, EO officers, WorkSource Administrators and other partner staff participated in a WIA/EO MOA Orientation, which provided a high-level overview of the nondiscrimination and EO requirements of the WIA regulations. (Attachment 1I) A three-day WIA/EO MOA Training Conference was held December 11 – 13, 2001. The focus was on ensuring that individuals with a critical role in the provision of services understand requirements in the EO regulations. Additionally, the conference helped to ensure that those responsible for developing training have the necessary tools and applications to address the EO and nondiscrimination requirements. Attachment 1J provides a copy of the agenda. CRC Staff provided technical assistance and participated in the conference.



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During the next two years the State EO Officer spent considerable time providing training to ESD staff (including TeleCenter staff) and WorkSource partner staff on elements of the MOA. This effort helped to ensure that local service delivery staff understood the nondiscrimination and EO requirements and that they were providing services to comply with these laws and regulations.

Currently, EO training is presented on a periodic basis or when requested. Further, the State/ESD EO Officer provide periodic EO informational updates and notices of EO-related training sponsored by other sources, such as the annual CRC/National Association of State Workforce Agencies EO Training Conference. The State/ESD EO Officer also provide EO technical assistance to the local-level EO Officers on an ongoing basis.



Documentation

Attachments for Element One

- 1A 1-Job Description and Training Profile for Pat Iyall Barnes
- 2-Job Description and Training Profile for Carol Rembaugh
- 1B 1-ESD Organizational Charts
- 2-Job Description and Training Profile for Evelyn Rodriguez, State EO Officer
- 3-Job Description for the Kintu Nnambi, ESD EO Officer
- 4-Job Description and Training Profile for Mary Mendoza
(Administrative Assistant 5)
- 5-Job Description and Training Profile for Wilfried Leiste (Secretary Senior)
- 6- State Addresses and Phone Numbers
- 7- Budget
- 8-Job Description and Organizational Charts for Lisa Morgan
- 9-Job Description and Organizational Chart for the EO Coordinator – Spanish
Language Translation Specialist/UI Division
- 1C Workforce Development Council List
- 1D Governor's Executive Order No. 99-02
- 1E 1-Job Description, Percentage of Time, Support Staff & Organizational Chart for
Bob Potter
- 2-Job Description, Percentage of Time, Support Staff & Organizational Chart for
Lu Jewell
- 3-Job Description, Percentage of Time, Support Staff & Organizational Chart for
Dan Vogel
- 4-Job Description, Percentage of Time, Support Staff & Organizational Chart for
Debbie Little
- 5-Job Description, Percentage of Time, Support Staff & Organizational Chart for
Suzanne Ramage
- 6-Job Description, Percentage of Time, Support Staff & Organizational Chart for
Robin Barry
- 7-Job Description, Percentage of Time, Support Staff & Organizational Chart for
Pat Bredeson



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Attachments for Element One - Continued

- 8-Job Description, Percentage of Time, Support Staff & Organizational Chart for Dave Petersen
- 9-Job Description, Percentage of Time, Support Staff & Organizational Chart for Terie Dohrman
- 10-Job Description, Percentage of Time, Support Staff & Organizational Chart for Josie Darst
- 11-Job Description, Percentage of Time, Support Staff & Organizational Chart for Michelle Mann
- 12-Job Description, Percentage of Time, Support Staff & Organizational Chart for John Baumhofer

1F List of WorkSource Offices

1G October 26, 2000 Letters to WDCs and ESD WIA Manager

1H List of WDC EO Officers

1I WIA/EO MOA June 2001 Orientation

1J WIA/EO MOA Training Conference in October (Postponed) – Rescheduled in December